

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

|                          |   |                |
|--------------------------|---|----------------|
| UNITED STATES OF AMERICA | ) |                |
|                          | ) |                |
| v.                       | ) | No. 2:08-CR-19 |
|                          | ) |                |
| BENJI W. DAVIS           | ) |                |

**MEMORANDUM AND ORDER**

This criminal case is before the court on the defendant's motion for a continuance of the trial [doc. 19]. Counsel for the defendant says that the defendant may seek to renew his motion for appointment of new counsel and a new trial date will be necessary so this issue can be considered. Counsel is also concerned that the defendant may not understand the ramifications of proceeding to trial in light of some serious sentencing considerations. Finally, the ATF case agent has been transferred to Nashville and arrangements would have to be made for him to appear on very short notice. The government has no objection to the motion.

The court finds the defendant's motion well taken, and it will be granted. The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18

U.S.C. § 3161(h)(8)(A). The court finds that the failure to grant the defendant's motion would deny counsel the time necessary to prepare for trial, especially if new counsel is appointed, and time is needed to insure that the defendant understands the options available to him. 18 U.S.C. § 3161(h)(8)(B)(iv). Therefore, all the time from the filing of the defendant's motion for a continuance to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A).

It is hereby **ORDERED** that the defendant's motion for a continuance are **GRANTED**, and the trial of this criminal case is **CONTINUED** to September 8, 2008, at 9:00 a.m. The trial will be held in Greeneville.

ENTER:

s/ Leon Jordan  
United States District Judge